

02.28.02

Express Mail Label No. EL 845469643 US

13054.02620

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

02/25/02
J1132 U.S. PTOAnticipated Classification
of this Application:☐ Class ☐ Subclass

Prior Application

Examiner: O. ZAGMMOUNT

Art Unit: 1638

J1011 U.S. PTO
10/084553
02/25/02DIVISIONAL APPLICATION TRANSMITTALBox PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a request for filing a ☐ continuation ☒ divisional application pursuant to 37 C.F.R. § 1.53(b), of pending prior application:

Serial No. 08/843,572 filed April 18, 1997, by Elaine TOBIN, et al. (inventor(s) currently of record in prior application) for PHOTOCROME REGULATED TRANSCRIPTION FACTOR FOR CONTROL OF HIGHER PLANT DEVELOPMENT.

1. ☒ Enclosed is a copy of the prior application, including the oath or declaration as originally filed, or a replacement specification which does not add new matter.
2. ☒ The filing fee is calculated below:

CALCULATION OF FEES							
ITEM	TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG/SM \$ ENTITY FEE		\$ AMOUNT	\$ FEE
A TOTAL CLAIMS FEE	3	-20	0	LG=\$18 SM=\$9	\$9	0	0
B INDEPENDENT CLAIMS FEE*	3	-3	0	LG=\$84 SM=\$42	\$42	0	0
C SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)						0	0
D MULTIPLE-DEPENDENT CLAIMS FEE							\$ 0
E BASIC FEE							\$ 0
F TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)							\$ 370
*LIST INDEPENDENT CLAIMS 1,6,7							\$ 370

3. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1796, referencing docket number 13054.02620. A copy of this sheet is enclosed.
4. ☐ A check in the amount of \$_____ is enclosed.

10084553.022502

5. ☒ Cancel in this application original claim(s) 2-5 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

6. ☒ Amend the specification by inserting before the first line the sentence:

This is a ☐ continuation ☒ divisional of application Serial No. 08/843,572 filed April 18, 1997, which application is hereby incorporated by reference in its entirety.

7a. ☒ New formal drawings are enclosed.

7b. ☐ Priority of application Serial No(s).:

[COUNTRY] application Serial No. [APPL'N #] filed [FILING DATE] and [COUNTRY] application Serial No. [APPL'N #] filed [FILING DATE] is claimed under 35 U.S.C. § 119.

7c. ☐ The certified copy of the priority application was filed in prior application Serial No. [APPL'N #], filed [FILING DATE].

8. ☒ The prior application is assigned of record to: The Regents of University of California, Oakland, California.

9. a. ☒ The power appears in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☒ Address all future communications to:

Stefan J. Kirchanski
CROSBY, HEAFEY, ROACH & MAY
1901 Avenue of the Stars, Suite 700
Los Angeles, CA 90067
Phone: (310) 734-5200
Fax: (310) 734-5299

CORRESPONDENCE ADDRESS:

☒ Customer Number

28983



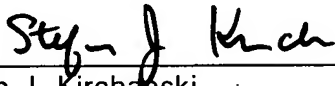
d. ☒ A new Power of Attorney by Assignee is enclosed.

10. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

205229 " 022502 10084553

11. ☒ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Applicant no longer claims small entity status.
12. ☐ Request And Certification Under 35 U.S.C. 122(b)(2)(B)(i) for non-publication is enclosed.
13. ☐ An Information Disclosure Statement listing _____ references is enclosed.

Date: February 25, 2002



Stefan J. Kirchanski
Registration No. 36,568

CROSBY, HEAFEY, ROACH & MAY
1901 Avenue of the Stars, Suite 700
Los Angeles, CA 90067
Phone: (310) 734-5200
Fax: (310) 734-5299

10084553.022502

CROSBY, HEAFEY, ROACH & MAY

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1901 AVENUE OF THE STARS, SUITE 700

LOS ANGELES, CALIFORNIA 90067

(310) 734-5200

FAX (310) 734-5299

www.crosbyheafey.com

LOS ANGELES
(213) 457-8000

OAKLAND
(510) 763-2000

PALO ALTO
(650) 251-9880

SAN FRANCISCO
(415) 543-8700

WESTLAKE VILLAGE
(805) 777-8420

Stefan J. Kirchanski
Direct Dial: (310) 734-5403
E-mail Address: skirchanski@chrm.com

February 25, 2002

VIA EXPRESS MAIL, LABEL NO. EL845469463US


Box PATENT APPLICATION
Commissioner for Patents
U.S. Patent and Trademark Office
Washington, DC 20231

Re: ASSERTION OF SMALL ENTITY STATUS
U.S. Divisional Patent Application
based on Serial No. 08/843,572
Inventor(s) : Elaine TOBIN et al.
PHOTOCHROME REGULATED TRANSCRIPTION FACTOR FOR
CONTROL OF HIGHER PLANT DEVELOPMENT
Filed : February 25, 2002
Atty. Docket No. : 13054.02620

Dear Sir or Madam:

The undersigned attorney hereby asserts that the Patent Application entitled "PHOTOCHROME REGULATED TRANSCRIPTION FACTOR FOR CONTROL OF HIGHER PLANT DEVELOPMENT" by Elaine TOBIN et al. filed on February 25, 2002 is entitled to Small Entity Status. The required inquiry to establish Small Entity (§ 1.27(a)) status has been made.

Very truly yours,



Stefan J. Kirchanski
Reg. No. 36,568

SJK:kh

10084553-022502